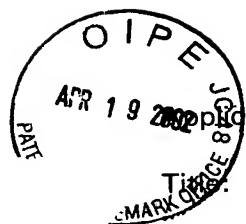


#5

Atty. Dkt. No. 059440-0141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Ziyu Dai, et al.

**GENE PROMOTERS ISOLATED FROM
POTATO AND USE THEREOF**

Appl. No.: 10/051,307

Filing Date: January 22, 2002

Examiner: Unassigned

Art Unit: 1638

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the present Application, Applicant respectfully requests that the above-identified prior application be amended as follows:

In the Specification:

Please amend the specification as follows:

On page 4, delete the 1st paragraph, and replace this paragraph with the following in accordance with 37 CFR § 1.121. A marked up version showing changes is attached:

Fig. 1. illustrates the DNA sequence of isoform 1 of the pin1 gene promoter (SEQ ID NO: 1) highlighting the translation start site, TATA box and CAATT box.

On page 4, delete the 2nd paragraph, and replace this paragraph with the following in accordance with 37 CFR § 1.121. A marked up version showing changes is attached:

Fig. 2. illustrates the DNA sequence of isoform 2 of the pin1 gene promoter (SEQ ID NO: 2) highlighting the translation start site, TATA box and CAATT box.